IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.244 OF 2005

Mr Gurjit Singh Bindra ... Petitioner

v/s

Tata Motors Ltd. ... Respondents

Mr J.P. Sen with Mr M.A. Shah i/b Mr A.G. Shah for Petitioner.

Mr Poonawala i/b Mr Y.R. Shah for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 29TH AUGUST 2005.

P.C. :-

1. This is a petition filed under section 34 of the Arbitration and Conciliation Act 1996. Admittedly, the petitioner was served with the notice. The notice was served at the last known address of the petitioner. The petitioner did not appear in the arbitration proceedings. The only ground urged in the petition is that the learned Arbitrator could not have treated the statement of claim in the absence of denial as admitted and proceeded to adjudicate the claim. It is submitted that the learned Arbitrator has recorded a finding which could not have been recorded by him on the basis of documents that were before him. Now perusal of the award shows that the learned Arbitrator has not proceeded to make the award only because the allegations made in the statement of claim are uncontraverted. The learned Arbitrator has considered the claim as also the documents which were produced before the Arbitrator and which remained uncontraverted by the petitioner. So far as the submission that some of the findings recorded by the learned Arbitrator could not have been recorded by him on the basis of documents that were produced by the claimants is concerned, in the petition I do not find a ground to this effect. The ground raised in the

petition is that the claimant had not produced any documents before the learned Arbitrator. In the petition, there is no ground indicating which are the findings which could not have been recorded by the learned Arbitrator only on the basis of documents that were produced before the learned Arbitrator. Perusal of the award shows that it is a well considered award on the basis of documentary evidence produced on behalf of the respondent. Considering the extremely limited jurisdiction of this Court and considering the fact that the petitioner did not appear before the learned Arbitrator without there being any justification after duly served with the notice, the petition cannot be entertained. It is rejected.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary of this Court as true copy.

. Certified copy expedited.